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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/818,466 | 03/27/2001 | Sean Lee | 099866/9 | 1836 |

7590

05/06/2002

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EXAMINER

SHEIKH, HUMERA N

ART UNIT PAPER NUMBER

1615

DATE MAILED: 05/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,466

Applicant(s)

LEE ET AL.

Examiner

Humera N Sheikh

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-134 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-134 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Acknowledgement is made of the Extension of Time and the Declaration and Fee, both filed 01/08/02 and the Amendment and the Declaration filed 04/01/02.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-26, 90-94, 99-103 and 120-121 drawn to a cosmetic composition comprising bioactive glass and a substantially anhydrous cosmetic formulation and a method of making a cosmetic composition, classified in class 424, subclass 401.
- II. Claims 27-40, 95-98 and 104-107, drawn to a cosmetic composition comprising bioactive glass, a cosmetic formulation and a buffer and a method of making a cosmetic composition, classified in class 424, subclass 401.
- III. Claims 41-42, drawn to a non-irritating, stable cosmetic composition comprising bioactive glass and a cosmetic formulation and a method of making a non-irritating, stable cosmetic composition, classified in class 424, subclass 401.
- IV. Claims 43-44, drawn to a non-irritating, stable cosmetic composition comprising bioactive glass and a cosmetic formulation and a method of

reducing and/or preventing skin irritation, classified in class 424, subclass 401.

- V. Claims 45-46, drawn to an odor reducing cosmetic composition comprising bioactive glass and a cosmetic formulation and a method of reducing odor, classified in class 424, subclass 76.1.
- VI. Claims 47-55 and 108-109, drawn to a UV filtering cosmetic composition comprising bioactive glass and a cosmetic formulation and a method of blocking UV light from exposed skin, classified in class 424, subclass 59.
- VII. Claims 56-58, drawn to a moisture-absorbing cosmetic composition comprising bioactive glass and a cosmetic formulation, classified in class 424, subclass 401.
- VIII. Claims 59-68 and 122-123, drawn to a personal care composition comprising bioactive glass and a personal care product and method of making a personal care composition, classified in class 424, subclass 401.
- IX. Claims 69-70, drawn to a non-irritating, stable personal care composition comprising bioactive glass and a personal care product and method of making a non-irritating, stable personal care composition, classified in class 424, subclass 401.
- X. Claims 71-72, drawn to an odor-reducing personal care composition comprising bioactive glass and a personal care product and a method of reducing odor, classified in class 424, subclass 401.

- XI. Claims 73-82 and 110-111, drawn to a UV-filtering personal care composition comprising bioactive glass and a personal care product and a method of blocking UV light from exposed skin, classified in class 424, subclass 59.
- XII. Claims 83-85, drawn to a moisture-absorbing personal care composition comprising bioactive glass and a personal care product and method of absorbing moisture, classified in class 424, subclass 401.
- XIII. Claims 86-89 and 112-119, drawn to a hair care composition comprising bioactive glass and a hair care product, classified in class 424, subclass 70.1.
- XIV. Claims 124-134, drawn to a nutritional supplement composition comprising bioactive glass and a nutritional supplement and a method of making a nutritional supplement, classified in class 424, subclass 439.

The inventions are distinct, each from the other because:

Each of the cosmetic compositions are capable of supporting a separate patent within the art, the Examiner noting that each group contains a separate cosmetic formulation, some having distinct utilities and/or ingredients capable of imparting patentability.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II-XIX, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Groups I and Groups III-XIX and so forth for the remaining groups, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera Sheikh whose telephone number is (703) 308-4429. The examiner can normally be reached on Monday through Friday from 7:00A.M. to 4:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page, can be reached on (703) 308-2927. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600